

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LAMONT SMITH,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-349-L
)	
RON WARD, DIRECTOR,)	
)	
Respondent.)	

ORDER

Petitioner, a state prisoner appearing *pro se*, brings this action pursuant to 28 U.S.C. §2241, seeking a writ of habeas corpus. This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Valerie K. Couch on August 23, 2005, wherein she recommends that the petition be denied. Previously, by order dated October 11, 2005, the court vacated its earlier order and judgment adopting the Report and Recommendation, finding that the petitioner should be given additional time to file written objections. In keeping with the court's order, petitioner filed written objections, which the court has carefully considered. However, upon review, the court finds that petitioner's objections are insufficient to overturn the conclusions of the Magistrate Judge in this matter.

Having conducted a *de novo* review of the matter, the Court finds that the Report and Recommendation should be adopted in its entirety. Petitioner's disciplinary conviction was supported by some evidence and petitioner was

provided with sufficient notice. Therefore, the Magistrate Judge properly determined that petitioner was provided with procedural due process.

Accordingly, petitioner's Petition for a Writ of Habeas Corpus should be and is hereby **DENIED; this action is DISMISSED.**

It is so ordered this 29th day of November, 2005.



TIM LEONARD
United States District Judge